

**17B-1-203 Process to initiate the creation of a local district -- Petition or resolution.**

- (1) The process to create a local district may be initiated by:
  - (a) unless the proposed local district is a local district to acquire or assess a groundwater right under Section 17B-1-202, and subject to Section 17B-1-204, a petition signed by the owners of private real property that:
    - (i) is located within the proposed local district;
    - (ii) covers at least 33% of the total private land area within the proposed local district as a whole and within each applicable area;
    - (iii) is equal in value to at least 25% of the value of all private real property within the proposed local district as a whole and within each applicable area; and
    - (iv) complies with the requirements of Subsection 17B-1-205(1) and Section 17B-1-208;
  - (b) subject to Section 17B-1-204, a petition that:
    - (i) is signed by registered voters residing within the proposed local district as a whole and within each applicable area, equal in number to at least 33% of the number of votes cast in the proposed local district as a whole and in each applicable area, respectively, for the office of governor at the last regular general election prior to the filing of the petition; and
    - (ii) complies with the requirements of Subsection 17B-1-205(1) and Section 17B-1-208;
  - (c) if the proposed local district is a local district to acquire or assess a groundwater right under Section 17B-1-202, and subject to Section 17B-1-204, a petition signed by the owners of groundwater rights that:
    - (i) are diverted within the proposed local district;
    - (ii) cover at least 33% of the total amount of groundwater diverted in accordance with groundwater rights within the proposed local district as a whole and within each applicable area; and
    - (iii) comply with the requirements of Subsection 17B-1-205(1) and Section 17B-1-208;
  - (d) a resolution proposing the creation of a local district, adopted by the legislative body of each county whose unincorporated area, whether in whole or in part, includes and each municipality whose boundaries include any of the proposed local district; or
  - (e) a resolution proposing the creation of a local district, adopted by the board of trustees of an existing local district whose boundaries completely encompass the proposed local district, if:
    - (i) the proposed local district is being created to provide one or more components of the same service that the initiating local district is authorized to provide; and
    - (ii) the initiating local district is not providing to the area of the proposed local district any of the components that the proposed local district is being created to provide.
- (2)
  - (a) Each resolution under Subsection (1)(d) or (e) shall:
    - (i) describe the area proposed to be included in the proposed local district;
    - (ii) be accompanied by a map that shows the boundaries of the proposed local district;
    - (iii) describe the service proposed to be provided by the proposed local district;
    - (iv) if the resolution proposes the creation of a specialized local district, specify the type of specialized local district proposed to be created;
    - (v) explain the anticipated method of paying the costs of providing the proposed service;
    - (vi) state the estimated average financial impact on a household within the proposed local district;
    - (vii) state the number of members that the board of trustees of the proposed local district will have, consistent with the requirements of Subsection 17B-1-302(2);
    - (viii) for a proposed basic local district:

- (A) state whether the members of the board of trustees will be elected or appointed or whether some members will be elected and some appointed, as provided in Section 17B-1-1402;
- (B) if one or more members will be elected, state the basis upon which each elected member will be elected; and
- (C) if applicable, explain how the election or appointment of board members will transition from one method to another based on stated milestones or events, as provided in Section 17B-1-1402;
- (ix) for a proposed improvement district whose remaining area members or county members, as those terms are defined in Section 17B-2a-404, are to be elected, state that those members will be elected; and
- (x) for a proposed service area that is entirely within the unincorporated area of a single county, state whether the initial board of trustees will be:
  - (A) the county legislative body;
  - (B) appointed as provided in Section 17B-1-304; or
  - (C) elected as provided in Section 17B-1-306.
- (b) Each county or municipal legislative body adopting a resolution under Subsection (1)(d) shall, on or before the first public hearing under Section 17B-1-210, mail or deliver a copy of the resolution to the responsible body if the county or municipal legislative body's resolution is one of multiple resolutions adopted by multiple county or municipal legislative bodies proposing the creation of the same local district.

Amended by Chapter 70, 2013 General Session